

REMARKS

[0002] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-5, 10-25, 27, 29-35, 37-42, 46, 47-53, and 55-59 are currently pending
- Claims 1-5, 10, 11, 12, 14-20, 22, 24, 25, 27, 35, 37, 39, 46, 52, and 58 are amended herein.
- Claims 21, 34, and 57 are herein canceled.

[0003] Applicant herein amends independent claims 1, 24, and 52 to include subject matter from dependent claims 21, 34, and 57 respectively. Claims 21, 34, and 57 are subsequently canceled. Accordingly, no new subject matter has been added.

Cited Documents

[0004] The following documents have been applied to reject one or more claims of the Application:

- Drucker: Drucker et al., U.S. Patent No. 7,117,453
- Agarwa: Agarwa, U.S. Patent Application Publication No. 2006/0178946
- Moraes: Moraes, U.S. Patent No. 6,014,502
- Bendinelli: Bendinelli et al., U.S. Patent No. 6,061,719

35 U.S.C § 102 Rejections

[0005] Claims 1, 2, 4, 5, 10-20, 23, 24, 27, 29-31, 33, 35, 37-42, 46, 47, 52, 53, 55, 56, 58, and 59 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Drucker. Applicant respectfully traverses the rejection.

[0006] **Independent Claims 1, 24 and 52** are herein amended to include subject matter from dependent claims 21, 34, and 57 respectively. Dependent claims 21, 34, and 57 were rejected by the Office under 35 U.S.C. § 103(a). Specifically, the Office stated:

As per claim 21, 34, and 57 Drucker teaches the system of claim 1, however, Drucker fails to teach a comprising calendar functionality component whereby the one or more media items can be viewed within a viewing cycle coincident with a real time calendar based at least in part on metadata associated with the media items.

Mores teaches a calendar functionality component whereby the one or more media items can be viewed within a cycle coincident with a real time calendar based at least in part on metadata associated with the media items.

It would have been obvious to an artisan at the time of the invention to include Moraes with Drucker in order to allow media object to be played at the right time.

See, Office Action, page 16.

[0007] Applicant directs the Office to 35 U.S.C. § 103(c), which states: (1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time

the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

[0008] Drucker is assigned to Microsoft Corporation (Reel/Frame 013695/0888, recordation date 01/21/2003) and has a filing date of January 21, 2003. The present application is also assigned to Microsoft Corporation (Reel/Frame 014265/0591, recordation date 07/01/2003) and has a filing date of July 1, 2003. Therefore, the present application and Drucker were, at the time the invention of the present application was made, owned by Microsoft Corporation. Thus, Drucker is unavailable for application in a rejection under 103(a). It is therefore respectfully requested that the rejection be withdrawn and that claims 1, 24, and 52 be allowed to issue. The following statement is made pursuant to MPEP § 706(II).

[0009] Dependent Claims 2, 4, 5, 10-20, 23, 27, 29-31, 33, 35, 37-42, 46, 47, 53, 55, 56, 58, and 59 depend from one of independent claims 1, 24, and 52 and thus are also allowable as depending from an allowable base claim. Dependent claims 2, 4, 5, 10-20, 23, 27, 29-31, 33, 35, 37-42, 46, 47, 53, 55, 56, 58, and 59 are also allowable for their own recited features that in combination with those recited in claims 1, 24, and 52 are not shown by the Office to be disclosed in Drucker. Accordingly, Applicant respectfully requests that the § 102 rejection be withdrawn.

35 U.S.C. § 103 Rejections

[0010] Claims 3 and 25 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Drucker in view of Agarwa. Applicant respectfully traverses the rejection.

[0011] Claim 22 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Drucker in view of Moraes. Applicant respectfully traverses the rejection.

[0012] Claims 48-51 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Drucker in view of Bendinelli. Applicant respectfully traverses the rejection.

[0013] As set forth above, Applicant respectfully directs the Office to 35 U.S.C. § 103(c), which states: (1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

[0014] Drucker is assigned to Microsoft Corporation (Reel/Frame 013695/0888, recordation date 01/21/2003) and has a filing date of January 21, 2003. The present application is also assigned to Microsoft Corporation (Reel/Frame 014265/0591, recordation date 07/01/2003) and has a filing date of July 1, 2003. Therefore, the present application and Drucker were, at the time the invention of the present application was made, owned by Microsoft Corporation. Thus, Drucker is unavailable for application in a rejection under 103(a). It is therefore respectfully requested that the rejection be withdrawn and that claims 3, 22, 25, and 48-51 be allowed to issue. The following statement is made pursuant to MPEP § 706(II).

Conclusion

[0015] For at least the foregoing reasons, all pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application.

[0016] If any issues remain that would prevent allowance of this application,

Applicant requests that the Examiner contact the undersigned representative before issuing a subsequent Action.

Respectfully Submitted,

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Representative for Applicant

/Kristina M. Kuhnert/

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